

from said Special Racing Fund the said twenty-five (25) per cent going to the available Public Free School Fund, and after deducting the said twenty (20) per cent to be so used by the Board of Control of the State of Texas as aforesaid, the balance remaining in said Special Racing Fund, so far as it may be required, shall be used for the payment of the appropriations by the Legislature for the support and maintenance of the State Department of Agriculture as said appropriations for that Department shall be fixed and allowed by the Legislature of the State of Texas from time to time. It is further provided that any excess left in the Special Racing Fund shall be by the State Treasurer transferred to and become a part of the "Texas Old Age Assistance Fund" provided for in Section 1 of this House Bill No. 46.

"The licensee shall keep an accurate record of all receipts and disbursements during any racing meet authorized by the Texas Racing Commission to be conducted by said licensee, which books and records shall at all reasonable times be open to inspection of the Comptroller of Public Accounts of the State of Texas, and to the Texas Racing Commission or its duly qualified agents; and at the close of each racing meet held by such licensee, he shall remit to the Treasurer of the State of Texas through the Texas Racing Commission as follows: Where the pari mutuel turnover is not more than One Hundred Thousand Dollars (\$100,000.00), one-fourth (1/4) of the ten (10) per cent deducted by such licensee from the contributions of purchasers of certificates on horses to run first, second, and/or third in any given race; and where the pari mutuel turnover is more than One Hundred Thousand Dollars (\$100,000.00) for any such meet, thirty (30) per cent of the ten (10) per cent deducted by such licensee from the contributions of purchasers of certificates on horses to run first, second, and/or third in any given race. The licensee is hereby constituted trustee for the State of Texas to collect and remit the sums provided herein, and such sums shall constitute and be a trust fund belonging to the State of Texas. Failure of any person to collect and remit

any sums prescribed herein in accordance herewith shall constitute the offense of embezzlement, and upon conviction thereof, such person shall be punishable therefor as the law prescribes.

All laws or parts of laws in conflict herewith are expressly repealed.

Committee Amendment No. 17.

Amend Section 12 of House Bill 46 by inserting before the word "gas" each time it appears in said Section, the word "sweet" and by inserting the words "as sweet gas is now defined by law" after the word "gas" in the fourth line of Section 12 and by striking the words "and/or casing head" each time they appear in said section.

Committee Amendment No. 18.

Amend House Bill No. 46, after the word "Producer" in the third line on page 16, by adding the following:

"And provided, there shall be exempted from taxation under this section the gas produced from wells which do not produce in excess of (2,000,000) two million cubic feet daily production through open flow."

TENTH DAY.

Senate Chamber,
Austin, Texas,
November 6, 1935.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Walter F. Woodul.

The roll call disclosed a quorum, the following Senators being present.

Beck.	Nelson.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Fellbaum.

Prayer by the Chaplain.

Further reading of the Journal was dispensed with on motion of Senator Hill.

Committee Reports.

(See Appendix.)

Message From the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House, with the following message:

Hall of the House of Representatives,
Austin, Texas, Nov. 6, 1935.
Hon. Walter F. Woodul, President
of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

S. C. R. No. 9, Providing for the attendance of the members of the Legislature at the re-interment ceremonies for the remains of the Hon. James Austin Sylvester at 5 o'clock p. m. Nov. 6, 1935.

The House has concurred in Senate amendments to H. B. No. 71 by a vote of 129 yeas, 0 nays.

The House has passed the following bill and resolution:

H. B. No. 98, A bill to be entitled "An Act creating a special road law for Robertson County, Texas, providing that said county may fund or refund the indebtedness outstanding against its road and bridge fund as of August 12, 1935, setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; etc., and declaring an emergency."

H. C. R. No. 14, Suspending Rules 22 and 23 of the Joint Rules of the House and Senate to permit the House of Representatives to finally dispose of H. B. No. 77.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Senate Resolution No. 15.

Whereas, November 4th is the birthday of Will Rogers, who lost his life in an airplane accident on August 15th, in Alaska; and

Whereas, His passing took from us a voice and an influence that we could scarcely spare; and

Whereas, Mourning millions have resolved to establish a memorial in his memory; and

Whereas, Will Rogers belonged to the list of immortals who have made American humor famous wherever the English language is understood; and

Whereas, Will Rogers, a kindred soul to all worthy Americans, was especially close and dear to Texans; and

Whereas, Will Rogers, void of all pretense of deception, was a great human being, inspired always by the Golden Rule, capable of great and deep friendships, possessed of a mind quickly able to detect error and imposture and untruth, but possessed also of a soul able to forgive the failings of sinful and suffering humanity; and

Whereas, Will Rogers was so kindly to his fellow men and so able to make life more worth living because he cherished the faith that a kindly Father would be judge at the Last Round-up; therefore

Be It Resolved, By the Senate of Texas, That we endorse the proposal to establish a memorial that will bear outward and useful witness to our affection for him; that we urge others to follow him in common sense and honesty; and that we await with confidence the judgment that Almighty God will pass upon him.

HORNSBY.

Read.

Senator Hornsby asked unanimous consent to suspend the rule requiring resolutions be referred to a committee.

Objections were heard.

Senator Hornsby moved to suspend the rule requiring resolutions be referred to a committee.

Senator Rawlings moved as a substitute that the resolution be referred to the Committee on Arrangements for the Joint Session to be Held, in accordance with S. C. R. No. 7.

Motion to Table.

Senator Hornsby moved to table the substitute motion.

The motion to table lost by the following vote:

Yeas—7.

Collie.
Hornsby.

Isbell.
Neal.

Nelson. Woodruff.
Poage.

Nays—18.

Beck.	Moore.
Blackert.	Pace.
Burns.	Rawlings.
Cotten.	Redditt.
DeBerry.	Sanderford.
Hill.	Shivers.
Holbrook.	Stone.
Hopkins.	Sulak.
Martin.	Van Zandt.

Present—Not Voting.

Davis. Small.
Oneal.

Absent.

Westerfeld.

Absent—Excused.

Fellbaum. Regan.

Senator Hornsby received unanimous consent to withdraw his resolution.

H. C. R. No. 14.

The Chair laid before the Senate on its first reading the following resolution:

H. C. R. No. 14, Suspending Joint Rules Nos. 22 and 23 of the House and Senate in order to permit the House of Representatives to finally dispose of H. B. No. 77.

Senator Van Zandt moved to suspend the Senate rule requiring resolutions be referred to a committee.

The motion prevailed by the following vote:

Yeas—22.

Beck.	Nelson.
Blackert.	Oneal.
Collie.	Pace.
Cotten.	Poage.
Davis.	Redditt.
DeBerry.	Sanderford.
Hill.	Shivers.
Hornsby.	Small.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.

Nays—6.

Holbrook.	Rawlings.
Hopkins.	Stone.
Moore.	Sulak.

Absent.

Burns. Regan.

Absent—Excused.

Fellbaum.

H. C. R. No. 14 was adopted by the following vote:

Yeas—20.

Beck.	Neal.
Blackert.	Nelson.
Collie.	Oneal.
Cotten.	Pace.
Davis.	Redditt.
DeBerry.	Shivers.
Hill.	Small.
Hornsby.	Van Zandt.
Isbell.	Westerfeld.
Martin.	Woodruff.

Nays—5.

Holbrook.	Rawlings.
Hopkins.	Sulak.
Moore.	

Absent.

Burns. Sanderford.
Poage. Stone.

Absent—Excused.

Fellbaum. Regan.

Senator Nelson sent up the following resolution:

S. C. R. No. 10.

Whereas, The present system of two-house Legislature originated in England in 1642 as a result of the oppressive rule of the King in connection with his non-taxed Lords and Peers, for the purpose of giving to the people their just voice in governmental affairs; and,

Whereas, under any government which refuses to sanction and permit discrimination as to class and permit certain ones by reason of birth, wealth and position to be free of taxation in the support of their government, such as was tolerated in the countries of the world prior to the birth of democracy, it is unnecessary to provide a legislative assembly for the best interests of such classes; and,

Whereas, England, the originator of the dual system, at the present time has practically abandoned same,

having shorn the House of Lords of its authority in government; and;

Whereas, The Dominion of Canada and all its provinces, with the exception of two, have abandoned the dual system for the unicameral; and,

Whereas, The reason for the formation of the dual legislative system no longer exists in Texas, in that, the members of each House are elected from Representative and Senatorial districts by a direct vote of the people, for the same purpose, with the same compensation, purporting to represent the same interests; and,

Whereas, We, the people of Texas, in one hundred years have not been able to so perfect the bicameral system in this State as to preclude the passage of crude and ill-digested laws, which often puzzle learned jurists who cannot solve them with anything like satisfaction to themselves or to the public; and,

Whereas, By reason of our legislative system the major part of our laws are written by free conference committees which result many times in the passage of or defeat of laws contrary to the direct will of the people; and,

Whereas, the major portion of our laws are passed hurriedly in the closing hours of each session, resulting in ill-advised, faulty and oppressive laws, contrary to the will of the people; and,

Whereas, Our system permits of days and weeks of filibustering by members of the Legislature who desire to defeat just and righteous legislation by crowding same down the calendar to the closing hours of each session; and,

Whereas, The bicameral system permits of the shifting and dodging of responsibility and accountability to the people, such as would be impossible under the unicameral system and the check of the recall; and,

Whereas, The compensation of the legislator is now wholly inadequate to justifying his giving of his full time to the best interests of his constituency instead of taking employment from private interests which will and do conflict with the best interests of the people; be it therefore

Resolved by the Senate of Texas, the House concurring, That this body go on record as favoring, at the Reg-

ular Session of the Legislature in 1937, the submission of a constitutional amendment to the people of Texas which will give to them the right to vote upon the question as to whether or not the people of Texas will adopt the unicameral legislative system; that we propose the adoption of One House composed of two members from each Congressional district in the State of Texas, elected for four year terms, one to be elected from each such district every two years, with compensation at a salary of Five Thousand (\$5,000.00) Dollars per annum, and with the provision that such elector shall be precluded from taking or receiving any compensation from any individual, firm or corporation during the tenure of such office and that he shall give his full and undivided time to the best interests of the people of this State; such constitutional amendment shall provide for one continuous term for each two year period, and providing that the Legislature may recess or adjourn from time to time at their will and convene without the call of the Governor should more than fifty (50%) per cent of such body so desire, to the end that the problems of the people of this State may be adjudicated as such problems arise, and to the further end that delay and filibustering will be to no avail in the prevention of the passage of laws in accordance with the dictates of the people; that we further favor the embodiment in such constitutional amendment a provision whereby the people may recall at any time their representative who fails or refuses to obey the command of his constituency; and providing further that the veto of the Governor of this State as a check upon the Legislature shall be in no manner changed or abridged.

NELSON.

Read.

Senator Nelson asked unanimous consent to suspend the Senate rule requiring resolutions be referred to a committee.

Objections were heard.

Senator Nelson moved to suspend the rule requiring resolutions be referred to a committee, with reference to S. C. R. No. 10.

The motion lost by the following vote:

Yeas—6.

Beck.	Nelson.
Collie.	Westerfeld.
Martin.	Woodruff.

Nays—19.

Blackert.	Moore.
Burns.	Neal.
Cotten.	Pace.
Davis.	Rawlings.
DeBerry.	Redditt.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Isbell.	

Absent.

Oneal.	Sanderford.
Poage.	Stone.

Absent—Excused.

Fellbaum.	Regan.
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The resolution was referred to the Committee on State Affairs.

Senator Nelson asked unanimous consent to speak for ten minutes on the resolution.

Objections were heard.

Bill Referred.

H. B. No. 98 was referred to the Committee on Highways and Motor Traffic.

House Bill No. 67.

The Chair laid before the Senate on its second reading the following bill:

By Mr. McKinney:

H. B. No. 67, A bill to be entitled "An Act authorizing the condemnation of certain private land or lands for the restoration, preservation or marking of historic spots in Texas by the Commission of Control for the Texas Centennial Celebrations; prescribing the procedure therefor; providing that such proceedings shall be brought in the name of the State of Texas by the Attorney General of Texas, and declaring an emergency."

Senator Burns moved to suspend the rule requiring printed copies of bills to lie on desks 24 hours.

The motion prevailed.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Burns the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 67 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Nelson.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Fellbaum.	Regan.
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Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Nelson.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Fellbaum.	Regan.
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House Bill No. 68.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Bourne:

H. B. No. 68, A bill to be entitled "An Act creating a special road law for Red River County, Texas, providing that said County may fund

or refund the indebtedness outstanding against its road and bridge fund as of October 23, 1935, by the issuance of funding bonds, and setting forth the method of operation; etc., and declaring an emergency."

Senator DeBerry moved to suspend the rule requiring printed copies of bills to lie on desks 24 hours.

The motion prevailed.

Amend H. B. No. 68 in the first section by striking out the words and figures "Six per centum (6%) per annum" and inserting in lieu thereof the words and figures "Five per centum (5%) per annum."

DeBERRY.

Read and adopted.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time as amended and passed to third reading.

On motion of Senator DeBerry the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 68 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Nelson.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Fellbaum. Regan.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	DeBerry.
Blackert.	Hill.
Burns.	Holbrook.
Collie.	Hopkins.
Cotten.	Hornsby.
Davis.	Isbell.

Martin.	Sanderford.
Moore.	Shivers.
Neal.	Small.
Nelson.	Stone.
Oneal.	Sulak.
Pace.	Van Zandt.
Poage.	Westerfeld.
Rawlings.	Woodruff.
Redditt.	

Absent—Excused.

Fellbaum. Regan.

H. C. R. No. 7.

The Chair laid before the Senate on its second reading the following resolution:

H. C. R. No. 7, Granting A. F. Gaston permission to sue the State.

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the resolution be not printed was adopted by unanimous consent.

Adopted by viva voce vote.

H. C. R. No. 8.

The Chair laid before the Senate on its second reading the following resolution:

H. C. R. No. 8, Granting S. A. Castlebury permission to sue the State.

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the resolution be not printed was adopted by unanimous consent.

Adopted by viva voce vote.

House Bill No. 93.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Alexander:

H. B. No. 93, A bill to be entitled "An Act creating a special road law for Childress County, Texas, providing that said county may fund or refund the indebtedness outstanding against its road and bridge fund as of September 14, 1935, setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; validating all acts and proceedings heretofore had by the commissioners' court of said county and officers thereof, in re-

spect to the funding or refunding of said indebtedness; etc., and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Small the constitutional rule requiring bills be read on three several days was suspended and H. B. No. 93 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Nelson.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Fellbaum. Regan.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Nelson.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Fellbaum. Regan.

Motion for Executive Session.

Senator Oneal moved that the Senate go into Executive Session at 11:12 o'clock a. m. to consider Governor's nominations.

Pending.

Senator Oneal yielded to Senator Woodruff, who asked unanimous consent to suspend the regular order of business so as to introduce a bill.

Point of Order.

Senator Moore raised the point of order on the bill as not coming within the Governor's call.

Senator Woodruff withdrew his request for unanimous consent.

Senator Oneal yielded to Senator Hill who asked unanimous consent to introduce a bill.

Objections were heard.

Executive Session.

The pending motion for executive session prevailed by viva voce vote.

The time having arrived, the chamber was cleared and the doors locked.

At the conclusion of executive session the Secretary of the Senate informed the Journal Clerk that the following action had been taken:

Committee Room,

Austin, Texas, Nov. 4, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Governor's Nominations, to whom was referred the following appointments,

Have had same under consideration, and I, as Chairman of said Committee, am instructed to report same back to the Senate with the recommendation that they be in all things confirmed.

To be Directors of the Sabine-Neches Conservation District:

W. T. Todd, of Todd City, Anderson County;

Hardy Eubanks, of McKinney, Collin County;

Marcus Wood, of Longview, Gregg County;

Mose Bromberg, of Crockett, Houston County;

W. Clyde Hull, of Pittsburg, Camp County;

Tom Molloy, of Timpson, Shelby County;

J. O. Wallace, of Rockwall, Rockwall County;
H. D. Garrett, of Emory, Rains County;
Allen T. Travis, of Canton, Van Zandt County;
Carlton Adams, of Newton, Newton County.
Adopted.

House Bill No. 72.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Lindsey:

H. B. No. 72, A bill to be entitled "An Act authorizing the commissioners' court in any county having a population of not less than 24,200 and not more than 24,500, according to the last preceding Federal census, to allow each county commissioner certain expenses for traveling in connection with official business; providing the funds and declaring an emergency."

Senator Collie asked unanimous consent to suspend the rule requiring printed copies of bills to lie on desks 24 hours.

Unanimous consent was granted.

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

Amend H. B. No. 72 by adding at the end of Section 1, the following:

In counties having a population of 32,822 according to 1930 Federal census, and having a property valuation of not less than \$18,664,000, and not more than \$18,690,000 according to the 1932 tax rolls, and having a special road law, \$50.00 per month for expenses of the members of the commissioners' court, payable out of the Road and Bridge Fund of the county.

WOODRUFF.

Read and adopted.

The bill was read second time as amended and passed to third reading.

On motion of Senator Collie the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 72 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Nelson.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Fellbaum. Regan.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Nelson.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Fellbaum. Regan.

House Bill No. 69.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Rogers:

H. B. No. 69, A bill to be entitled "An Act validating and approving all Acts and proceedings of county commissioners' courts and the county judge in the matter of the creation and incorporation of wind erosion conservation districts in their said counties, which were authorized to be created under the provisions of Chapter 337, Acts Regular Session, Forty-fourth Legislature, and validating and approving all elections

held under the provisions of said law where the returns of said elections show that a majority of the legally qualified property tax-paying voters of said counties voting at said elections favored the creation of such districts; and declaring an emergency."

Senator Small asked unanimous consent to suspend the rule requiring printed copies of bills to lie on desks 24 hours.

The motion prevailed unanimously.

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Small the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 69 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Nelson.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Fellbaum. Regan.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Hopkins.
Blackert.	Hornsby.
Burns.	Isbell.
Collie.	Martin.
Cotten.	Moore.
Davis.	Neal.
DeBerry.	Nelson.
Hill.	Oneal.
Holbrook.	Pace.

Poage.	Stone.
Rawlings.	Sulak.
Redditt.	Van Zandt.
Sanderford.	Westerfeld.
Shivers.	Woodruff.
Small.	

Absent—Excused.

Fellbaum. Regan.

Senate Bill No. 20.

Senator Hill received unanimous consent to send up the following bill:

By Senator Hill:

S. B. No. 20, A bill to be entitled "An Act validating all elections, election orders, election proceedings, affidavits and city ordinances annexing adjacent territory to or extending and prescribing the corporate limits of an incorporated city incorporated and functioning under the general laws of Texas under commission form of government, and declaring an emergency."

Read and referred to the Committee on Towns and City Corporations.

Senate Bill No. 19.

The Chair laid before the Senate on its second reading the following bill:

By Senator Nelson:

S. B. No. 19, A bill to be entitled "An Act ratifying, confirming and validating all acts of county boards of trustees in laying out or attempting to establish, combine, abolish or change any independent or common school district under the provisions of Chapter 339, Acts Regular Session, Forty-fourth Legislature, 1935, or under Chapter 151, Acts Regular Session, Forty-fourth Legislature, 1935, and declaring an emergency."

On motion of Senator Nelson S. B. No. 19 was laid on the table subject to call, by viva voce vote.

Bills Laid on the Table.

On motion of Senator Van Zandt Senate Bills Nos. 12, 14, 16 and 17 were laid on the table subject to call.

Senate Bill No. 21.

Senator Moore received unanimous consent to send up the following bill:

By Senator Moore:

S. B. No. 21, A bill to be entitled "An Act amending Article 2031, Revised Civil Statutes of 1925, and providing a means and method of securing service of process on foreign corporations, and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

House Bill No. 98.

Senator Hopkins received unanimous consent to send up the committee report on H. B. No. 98.

On motion of Senator Stone, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 98 was put on its second reading by the following vote:

Yeas—29.

Beck.	Nelson.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Fellbaum. Regan.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Frazer:

H. B. No. 98, A bill to be entitled "An Act creating a special road law for Robertson County, Texas, providing that said county may fund or refund the indebtedness outstanding against its road and bridge fund as of August 12, 1935, setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; etc., and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Stone, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 98 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Nelson.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Fellbaum. Regan.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Nelson.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Fellbaum. Regan.

Joint Session.

In accordance with arrangements made by the Conference Committee on S. C. R. No. 7, the Senate adjourned to the House for the Joint Session, in commemoration of Will Rogers.

Senate Called to Order.

The Senate was called to order at 12:20 o'clock p. m. by Lieutenant Governor Walter F. Woodul.

Senator Blackert received unanimous consent to send up the committee report on S. B. No. 21.

Senate Bill No. 21.

On motion of Senator Moore, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 21 was put on its second reading by the following vote:

Yeas—29.

Beck.	Nelson.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Fellbaum. Regan.

The Chair laid before the Senate on its second reading the following bill:

By Senator Moore:

S. B. No. 21, A bill to be entitled "An Act amending Article 2031, Revised Civil Statutes of 1925, and providing a means and method of securing service of process on foreign corporations, and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Moore, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 21 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Nelson.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Fellbaum. Regan.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Nelson.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Hill.	Shivers.
Isbell.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Fellbaum. Regan.

Motion to Print in Journal.

Senator Hornsby moved that the addresses of Senator Holbrook and Representative Bob Alexander delivered in Joint Session today be printed in the Journal.

The motion prevailed by viva voce vote.

Address Delivered in Joint Session,
November 6, 1935, by Hon.
Bob Alexander.

Mr. Speaker, Mr. President, Mr. Chairman, Ladies and Gentlemen:

I am sure that on occasions such as this we all feel our inability to deal fittingly with the task assigned us. In paying tribute to one we all

loved so well, it is particularly difficult to say the things that are in our hearts. I feel that it is entirely proper that we pause in our labors at this time to take part in this memorial service.

As we attempt to deal with the many serious questions which we are called upon to consider, I often find myself wishing that Will Rogers were alive today and that we might have had his comments and reactions to our problems. I wish that he could drop in on us informally as he has in the past. I feel that his kindly humor would be of great benefit at times when we are upset and in turmoil.

My friends, Will Rogers was a force for sanity in American life. We who live in and love the great Southwest, which produced him, are particularly proud of his achievements and of the regard in which he was held by all the world. We were thrilled when we read how this humble Oklahoma cowboy spoke to and about the great and near-great of the world. We were glad when he wrote or spoke of the greatness of Texas and the Southwest, and are proud of the fact that many Texans were his intimates. Although the whole world was shocked by his untimely death, we, in the Southwest, felt it as our own personal loss.

We began Monday, on the anniversary of his birth, a nationwide drive for funds with which to provide a memorial for Will Rogers. Money will not be lacking for this purpose, but I hope that it will be put to uses that will perpetuate his memory in every community in America, and make him as real to generations to come as he has been to us who were privileged to look upon his living countenance.

No one can ever take the place of this man in American life. His homely philosophy and the wholesome fun which he created for us rendered to the English speaking world the priceless service of keeping us from taking ourselves too seriously. No man has ever lived who has contributed more to the happiness of millions than he did.

We all read his newspaper articles and heard him on every possible occasion. We took our children and our mothers to see his pictures which

were invariably clean, invariably good and phenomenally successful from a financial standpoint, for those very reasons. Although he died a wealthy man, he never forgot his humble origin, nor ever lost the common touch. His liberal contributions to all charitable causes are too well known to need discussion. We all recall his last appearance in Austin, and the noble service he rendered the Crippled Children's Fund on that occasion.

Another reason for Will Rogers' greatness was his ability to keep his head when other men were becoming angry and panic-stricken. He served as a balance wheel for America.

His serious writings, although always interspersed with wit, were invariably devoid of folly. His was the genius of the common man at his best. He exemplified common honesty, common sympathy; but above all, common sense.

We, in the smaller communities, have missed the chuckles we used to find on the front page of our morning papers as we met at the post office, and tried to be the first to repeat "What Will Rogers said today."

He was one of the rarest, richest, sweetest souls that ever touched the chords of human sentiment.

He was the world's greatest entertainer and was the best and most universally loved of all Americans.

The lightning of his wit was always tempered by the sunshine of his humor, which cured the wound before the pain was felt. "Truly, he could walk with kings, nor lose the common touch." Doing without him has been hard.

Bill and Resolution Signed.

The Chair, Lieutenant Governor Walter F. Woodul, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bill and resolution:

H. B. No. 71.

H. C. R. No. 13.

Motion to Adjourn.

Senator Hopkins, at 12:25 o'clock p. m., moved that the Senate adjourn until 10:00 o'clock a. m. Thursday.

Motion pending.

House Bill No. 26.

Senator Sanderford received unanimous consent to have the Conference Committee report on H. B. No. 26 printed in the Journal in the event that the conference committee reports it favorably today.

Unanimous consent was granted.

Adjournment.

The motion to adjourn prevailed by viva voce vote.

APPENDIX.**H. B. No. 26.****A BILL****To Be Entitled**

An Act creating a system of Old Age Assistance in Texas; placing restrictions on the granting of such assistance; fixing the date on which payments of assistance shall begin; creating the Texas Old Age Assistance Commission; prescribing their terms of office, qualifications and duties; fixing their salaries; providing for the appointment of an Executive Director to the Old Age Assistance Commission and a Chief Auditor; prescribing qualifications, duties and salaries of such Executive Director and Chief Auditor; providing for the establishment of Local Administrative Agencies in the various counties and districts of Texas, and for the selection and appointment of necessary personnel; providing for the filing of an application for assistance by applicants therefor; providing for certain information to be given in such application; providing for investigation of applications for assistance, orders thereon, appeals and hearings therein; providing the amount of assistance to be paid to applicants and the method of paying same; providing for discontinuance of grants of assistance; fixing penalties for violation of the provisions of this Act; creating an Old Age Assistance Fund and a Permanent Old Age Pension Fund in the State Treasury; appropriating certain moneys from the General Revenue Fund; appropriating from the Old Age Assistance Fund the sum of Twenty-five Million Dollars (\$25,000,000.00), or so

much thereof as may be necessary for the payment of assistance grants and expenses in connection with the administration of this Act; providing for reimbursement of the General Revenue Fund; providing for investment of the permanent Old Age Pension Fund; providing for withdrawals from such Fund; providing for gifts and assignments of money, insurance benefits or other property for the benefit of the Old Age Assistance Fund; providing that grants of Old Age Assistance shall be inalienable and not subject to civil process; making provision for recovery, if on the death of a recipient, it is found he had property in excess of the amount allowed by this Act; providing for cooperation between the Texas Old Age Assistance Commission and the Federal Social Security Board; prescribing the administrative cost of this Act; repealing all laws in conflict; providing a saving clause and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Subject to the provisions of this Act every person over the age of sixty-five (65) years residing in the State of Texas, if in need, shall be entitled to aid in old age from the State.

Sec. 2. Aid may be granted under this Act to any person who:

(a) Has attained the age of sixty-five (65) years;

(b) Is a citizen of the United States;

(c) Has resided in the State of Texas for five (5) years or more within the last nine (9) years preceding the date of application for assistance, and has resided in the State of Texas continuously for one year immediately preceding the application. The term "residence" and "resided" as used in this Act shall denote actual physical presence within this State as distinguished from the word "domicile" and "residence" as used in their broader meaning.

(d) Is not at the time of receiving such aid an inmate of any public or private home for the aged, or any public home or any public or private institution of a custodial, correctional, or curative character; provided however, that aid may be

granted to persons temporarily confined in a private institution for medical or surgical care;

(e) Has not made any voluntary assignment or transfer of property for the purpose of qualifying for such aid;

(f) Has an income, if a single person, from any and all sources not exceeding Three Hundred Sixty Dollars (\$360.00) per year, or if married, a combined income from money and all sources not exceeding Seven Hundred Twenty Dollars (\$720.00) per year.

(g) Does not own property real, personal, or mixed other than cash or marketable securities, the fair value of which taking into consideration assessed valuations for State and county tax purposes less all incumbrances and liens, exceeds, if single, five Thousand Dollars (\$5,000.00), or if married, does not own property real, personal, or mixed other than cash or marketable securities, the fair value of which taking into consideration assessed valuations for State and county tax purposes less all incumbrances and liens, exceeds Seven Thousand Five Hundred Dollars (\$7,500.00);

(h) Does not have or own cash or marketable securities, the fair value of which exceeds Five Hundred Dollars (\$500.00) if single, or if married, does not have or own cash or marketable securities, the fair value of which exceeds One Thousand Dollars (\$1,000.00);

(i) Is not an habitual criminal or an habitual drunkard;

(j) Who has no husband or wife, as the case may be, able to furnish him or her adequate support.

Sec. 3. (a) For the purpose of administering the provisions of this Act there is hereby created a State Department to be known as the Texas Old Age Assistance Commission, composed of three (3) members to be appointed by the Governor of the State of Texas with the advice and consent of the Senate, the term of one (1) member to expire February 1, 1938, the term of one (1) member to expire February 1, 1940, and the term of one (1) member to expire February 1, 1942. The Governor shall designate which appointee he desires to fill each term, and shall make such appointments

as soon after the effective date of this Act as practicable. Vacancies shall be filled for any unexpired term by appointment by the Governor with the advice and consent of the Senate. On February 1, 1938, and biennially thereafter, one (1) member of said Commission shall be appointed for a full term of six (6) years, and each member of said Commission shall hold office until his successor has been appointed and has qualified by taking the oath of office and giving bond as hereinafter prescribed. The Texas Old Age Assistance Commission shall have its office and/or offices in Austin, Texas, in such building and/or buildings as shall be designated and/or approved by the State Board of Control.

(b) The members of the Texas Old Age Assistance Commission shall be public officers and, as such, shall take the oath of office required by the Constitution of Texas and each member shall give bond in form prescribed by the Attorney General in the sum of Ten Thousand (\$10,000.00) Dollars, payable to and to be approved by the Governor and conditioned for the faithful performance of his duties. The premium on such bonds shall be paid out of the funds herein appropriated for operating expenses and any recovery on such bonds shall inure to the benefit of the Texas Old Age Assistance Fund.

(c) At the first meeting of the members of said Commission after their appointment, and biennially thereafter, upon the appointment of a new member thereof, one (1) of the members thereof shall be elected chairman to preside over all meetings of such Commission, and two members thereof shall constitute a quorum for the transaction of business except as herein otherwise provided. For a period ending January 1, 1937, said Commission may, if by it deemed necessary, remain in continuous session and shall hold its sessions and hearings in Austin, Texas, or in such other cities or towns in Texas as may be deemed by it desirable and expedient. After January 1, 1937, said Commission shall not remain in session for more than fifteen days in any one (1) month, nor for more than one hundred and twenty (120) days in any one year. Notice of all meetings where applications for aid or assist-

ance and/or appeals thereon are to be considered shall be furnished representatives of the press of this State by the Chairman or Secretary of such Commission, and if particular applications and/or appeals thereon are to be considered the Chairman of, or the Secretary to said Commission shall give written notice thereof to the applicant affected, at least ten (10) days in advance, stating in such notice the time and place of such consideration and hearing.

(d) For the period ending January 1, 1937, the members of the Texas Old Age Assistance Commission shall be compensated on a basis of Three Thousand Six Hundred Dollars (\$3,600.00) per year to be paid in equal monthly installments. After January 1, 1937, the members of said Commission shall be paid a per diem of Ten Dollars (\$10.00) for each day of service during a regular meeting of said Commission. The members of said Commission shall be entitled to all reasonable expenses necessarily incurred in the discharge of their official duties, such allowance, however, not to exceed the maximum sum and/or sums fixed by law for other State officials.

(e) Except as hereinafter otherwise provided, the duties of the Texas Old Age Assistance Commission shall be limited to the following:

(1) The selection and appointment of an Executive Director and a Chief Auditor;

(2) The holding of hearings in all appeals by applicants for aid or assistance where such aid or assistance has been denied by the Local Administrative Agency to which application was made; provided that such hearings may be conducted by any one of the members of said Commission or by any employee of said Commission designated by said Commission to hold the same. When such hearings are conducted by less than a majority of the members of said Commission or by any employee of said Commission, a transcript of all testimony taken shall be prepared and filed with such Commission and any order therein must be signed by a majority of such Commission.

(3) The providing of such methods of administration (other than those relating to selection, tenure of office and compensation of personnel) as are found by the United

States Social Security Board to be necessary for the efficient operation of the plan of Old Age Assistance herein established;

(4) The making of such reports in such form and containing such information as the Social Security Board may from time to time require, complying with such provisions as said Social Security Board may from time to time find necessary to assure the correctness and verification of such reports.

Sec. 4. (a) As soon after the qualification of the members of the Texas Old Age Assistance Commission as practicable, they shall select and appoint an Executive Director to the Texas Old Age Assistance Commission who shall be not less than thirty-five (35) years of age at the date of his appointment, who is a resident citizen of the State of Texas, and who has resided within the State for at least ten (10) years preceding the date of his appointment, and he shall not be an occupant of any elective State office at the time of his appointment nor have occupied any elective State office during the six (6) months next preceding the date of his said appointment, and who shall be paid an annual salary of Five Thousand Dollars (\$5,000.00) in equal monthly installments. The Commission shall also appoint a Chief Auditor who shall be paid an annual salary of Four Thousand Dollars (\$4,000.00) in equal monthly installments. The Executive Director and the Chief Auditor shall take the constitutional oath of office and shall make and execute a bond in form prescribed by the Attorney General, payable to the Governor of Texas, in the sum of Thirty Thousand Dollars (\$30,000.00) conditioned upon their faithful performance of the duties imposed upon them by law. The premiums on such bonds shall be paid out of the funds herein appropriated for operating expenses, and any recovery on such bonds shall inure to the benefit of the Texas Old Age Assistance Fund.

(b) The Executive Director to the Texas Old Age Assistance Commission shall be the Chief Administrative Officer of such Commission and, as such, shall be responsible for the proper and economical administration of the affairs of such Commission. He shall have the power and authority, with the consent and ap-

proval of a majority of the members of the Commission, to select, appoint and discharge such assistants, clerks, stenographers, auditors, bookkeepers and clerical assistants as may be necessary in the administration of the duties imposed upon such Commission within the limits of the appropriations that may be made for the work of said Commission; salaries of all such employees to be fixed by the Executive Director in keeping with salaries paid other State employees performing like work and holding similar positions.

Sec. 5. The Texas Old Age Assistance Commission shall have full power and authority to provide such method of local administration in the various counties and districts of Texas as it deems advisable, and shall provide such personnel as may be found necessary for carrying out in an economical way the administration of this Act; provided, however, that all employees of any Local Administrative Agency, whether county or district, shall have been residents of that particular county or district where employed for a period of at least four (4) years next preceding their employment.

Sec. 6. The expenses of administering this Act shall never exceed five per cent (5%) of the total amount of State funds expended for Old Age Assistance; provided however, that the Texas Old Age Assistance Commission is empowered to accept any funds appropriated and allocated to the State of Texas for administrative expense by the Federal Government or the Social Security Board, and same may be expended for administrative purposes in addition to that allowed for administrative purposes out of State funds expended.

Sec. 7. Any person over the age of sixty-five (65) years may present or mail an application in writing for an Old Age Assistance grant to the Local Administrative Agency designated by the Texas Old Age Assistance Commission to receive the same. Such application shall be upon forms prescribed by said Commission, shall be duly sworn to before some officer authorized by the laws of this State to administer oaths and using a seal, and in addition to such other information as may be required by the Texas Old Age As-

sistance Commission, such application shall contain the following information:

(a) The name, age, race and/or nationality and length of residence in Texas of the applicant; whether he is a citizen by birth or naturalization; whether married or unmarried, a widow or widower; the names of children, if any, giving their ages, occupation and place of residence.

(b) A statement of any property, real or personal, the applicant owns or has any interest in, giving the cost of same when purchased and whether incumbered or not, and if incumbered, giving the date the lien was created, and the amount outstanding and unpaid at the time of the filing of the application.

(c) It must contain a full and complete statement of all the earnings of the applicant for the two (2) years immediately preceding the application.

(d) If the applicant owned real estate within the preceding two (2) years, the petition must state when sold or otherwise disposed of, giving the date of the transfer. If the petitioner was interested in personal property over the value of One Thousand Dollars (\$1,000.00) during the two (2) years prior to the date of the application for an assistance grant, a complete description of such property must be tendered together with an acknowledgement of what disposition was made of same, or if stocks and bonds, the company from whom purchased, and to whom sold, together with the date of the transfer and the price obtained.

(e) If receiving aid from any source, the amount received and from whom, or if such aid be not in cash money, then a description of such aid tendered, together with the name of the source of such aid and from whom; the amount received from the United States Government, State or county, public or private charitable organizations, corporations, or private individuals.

(f) Whether the applicant has been convicted of a crime, giving the number of convictions, if more than one, and giving the nature of the offense or offenses and the place or places of the conviction whether in this or any other state.

(g) The names of at least two (2) references unrelated to the applicant.

who are in position to confirm the truth of the information therein given.

Sec. 8. Upon the filing of such application for aid or assistance, it shall be the duty of the Local Administrative Agency in the county or district in which such application is made to investigate, or cause to be investigated in the manner required by the Texas Old Age Assistance Commission, such sworn statements appearing in such application to determine the truth or falsity of statements therein contained; said Agency having the power and authority to compel the attendance of witnesses, administer oaths, and to compel the production by subpoenas duces tecum of books and records, and the furnishing of such other affidavits and information as it may deem necessary and advisable. After an examination of the application and such investigation as to the truth or falsity of the statements contained therein as may be deemed necessary, the Local Agency shall enter an order upon such application either granting the same in whole or in part, or denying the same, and it shall forward a copy of such order to the applicant and a copy to the Texas Old Age Assistance Commission. Any applicant who is dissatisfied with the order made by the Local Administrative Agency shall have the right of appeal to the Texas Old Age Assistance Commission by giving written notice of such dissatisfaction to said Commission. When the Texas Old Age Assistance Commission has been notified of the dissatisfaction of any applicant with an order made by a Local Agency, the said Commission shall command the Local Agency to transmit to the Commission the originals or certified copies of all records, affidavits, instruments, testimony taken, or other evidence taken in connection with such application. The Commission shall make a full and complete examination of the record before it and if, after such examination, the Commission is of the opinion that the aid or assistance should be allowed or increased, said Commission shall enter an order allowing or increasing the assistance or aid to the applicant and shall forward a copy of this order to the applicant and a copy thereof to the Local Administrative Agency. If after examining the records before it,

the Commission is of the opinion that aid or assistance should not be awarded to the particular applicant, or that the amount thereof as awarded by the Local Agency should not be increased, the Commission shall set the matter down for hearing and shall give written notice of the time and place of such hearing to the applicant, at which hearing the applicant shall have the right to appear in person and testify, or to present any other evidence or testimony written or otherwise, to sustain his application. As soon after such hearing as possible and practicable, the Commission shall enter a final order on such application, mailing a copy thereof to the applicant and a copy to the Local Administrative Agency from which said final order there shall be no right of appeal.

Sec. 9. (a) The amount of Old Age Assistance or aid from State funds that may be paid to any applicant, who has qualified under the terms of this Act, shall never exceed the sum of Fifteen Dollars (\$15.00) per month, and in addition thereto such funds as the Federal Government may appropriate and allocate to the State of Texas from time to time, shall be distributed among recipients of assistance in like manner as State funds are paid under the terms of this Act; provided that in no case shall such aid or assistance be in an amount which, when added to the income of the applicant from all other sources, including income from property and from the State and Federal Governments, shall exceed a total of Thirty Dollars (\$30.00) per month; provided that the assistance granted herein shall be granted in such amounts as will provide a reasonable subsistence in keeping with the accustomed standard of living of the applicant.

(b) For the purpose of paying the aid and assistance to needy citizens of Texas as herein provided for, and for the purpose of defraying the expenses of administering this Act, there is hereby created and established a special fund in the Treasury of the State of Texas, to be kept by the State Treasurer separate and apart from all other funds, and to be known as the "Texas Old Age Assistance Fund," and for the purposes above set out there is hereby appropriated out of such fund the

sum of Twenty-five Million Dollars (\$25,000,000.00) or so much thereof as may be necessary, for the biennium ending September 1, 1937. Provided that if the fund is insufficient to pay all grants in full, the same shall be paid pro rata based on the amount granted to each recipient.

(c) There is hereby appropriated to the Texas Old Age Assistance Commission out of the General Revenue Fund of the State of Texas the sum of One Hundred Thousand Dollars (\$100,000.00), or so much thereof as may be necessary for the purpose of setting up the administrative machinery, and for the purpose of receiving and classifying applications, and for the purchasing of such equipment, furniture, and supplies as may be necessary. For the purpose of paying the additional expenses placed upon the Comptroller of Public Accounts under the provisions of this Act, including the purchase of equipment and supplies, printing of warrants and stationery, office space, and any other expenses necessary in carrying out the provisions of this Act, there is hereby appropriated out of any money in the State Treasury not otherwise appropriated, the sum of Twenty Thousand Dollars (\$20,000.00), or so much thereof as may be necessary for the first fiscal year of the present biennium, and there is hereby appropriated the sum of Fifteen Thousand Dollars (\$15,000.00), or so much thereof as may be necessary for the second fiscal year of the present biennium to the Comptroller of Public Accounts, provided that any salaries paid against this appropriation shall not exceed the salaries for similar positions now authorized under the General Appropriations Bill. For the purpose of paying the additional expenses placed upon the State Treasurer under the provisions of this Act, including the purchase of equipment and supplies, printing of stationery, and other expenses necessary in carrying out the provisions of this Act, there is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, the sum of Ten Thousand Dollars (\$10,000.00), or so much thereof as may be necessary for each of the fiscal years of the present biennium, to the State Treasurer, pro-

vided that any salaries paid against this appropriation shall not exceed the salaries for similar positions now authorized under the General Appropriations Bill.

It is further expressly provided that all sums of money paid out of the General Fund of the Treasury of the State of Texas under the provisions of this Section shall be repaid to such General Fund out of the first moneys accruing to the benefit of the Texas Old Age Assistance Fund, and the Treasurer of the State of Texas is expressly directed to transfer an amount from such Texas Old Age Assistance Fund to the General Revenue Fund equal to the amount herein appropriated from such General Revenue Fund.

Sec. 10. (a) The Legislature shall provide from time to time out of its tax and revenue bills, or from other funds available for the purpose of allocation, or from part or all of certain taxes, fees or other revenue, or by other maintenance, necessary and adequate funds for carrying out the provisions of this Act, and in each instance the Legislature shall specify that such sums as designated shall be placed by the Treasurer of the State of Texas in two separate funds known as the "Texas Old Age Assistance Fund" and the "Permanent Old Age Pension Fund," and separate accounts shall be kept by said State Treasurer of all funds allocated to and paid out under the terms of this Act.

(b) Eighty-five (85) per cent of all revenue allocated for Old Age Assistance shall be deposited to the credit of the Texas Old Age Assistance Fund.

(c) Fifteen (15) per cent of all revenue allocated for Old Age Assistance shall be deposited to the credit of a permanent fund to be known as the Permanent Old Age Pension Fund.

(1) This Fund shall be under the administration of the Commission of Old Age Assistance. It shall be the duty of the Commission of Old Age Assistance to invest the Fund only in interest bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

(2) No withdrawals may be made from this Fund, except for invest-

ments in United States Bonds, for a period of twenty-five (25) years unless expressly authorized by the Legislature of this State. The Commission of Old Age Assistance shall include in its annual reports the status of this Fund.

Sec. 11. (a) If at any time an Old Age Assistance recipient becomes disqualified under any of the provisions of Section 2 of this Act to receive such assistance, such facts shall be reported to the Commission of Old Age Assistance and such Commission shall be furnished with any information or evidence pertaining thereto, whereupon the Commission of Old Age Assistance shall notify the recipient thereof that a hearing will be held, at which time said recipient shall show cause why his aid should not be discontinued, and if, upon such hearing, it is established that such recipient has become disqualified under Section 2 of this Act, said Commission shall enter an order discontinuing aid to such recipient and shall give written notice thereof to the State Comptroller of Public Accounts.

(b) When any application for aid or assistance has been filed with the Local Administrative Agency on or before July 1, 1936, and is not approved until after such date, at the time that the applicant becomes entitled to the first monthly installment due under his Old Age Assistance grant he shall also be entitled to and shall receive a warrant or voucher for cumulative monthly installments equal to those due under his grant for the period from July 1, 1936, to the date the first installment becomes due under such grant. Where an application is filed after July 1, 1936, at the time the applicant becomes entitled to the first monthly installment due under his Old Age Assistance grant, he shall also be entitled to and shall receive a warrant or voucher for monthly installments equal to those due under his grant for the period from the date of his application to the date the first installment becomes due under such grant.

(c) If, on the death of any recipient of the Old Age Assistance or aid, it is found that he was possessed of property or income in excess of the amount provided in Section 2 of

this Act, the total amount of the assistance granted in excess of that to which the recipient was by law entitled may be recovered by the Commission of Old Age Assistance as a preferred claim, together with six (6) per cent interest thereon and all costs incurred from the estate of the deceased; the Commission shall institute the necessary proceedings to recover such claim and the amount recovered shall be paid into the Old Age Assistance Fund, and one-half ($\frac{1}{2}$) of such amount shall be paid over to the United States Treasury in such manner as the Social Security Act may require.

(d) Any person who has been granted Old Age Assistance and is receiving payments of assistance from the Old Age Assistance Fund may petition the Commission to accept an assignment of assignable death benefits, loan value or cash surrender value of any life insurance policy, death or funeral benefit or any association, society or organization requiring further payment of premiums, dues or assessments, which such person believes he is unable to pay. The Commission may accept such assignments if it deems such act advisable in the best interest of such person and the State; but upon the payment of such benefit or other sum due under the policy, the Commission shall first deduct the amount of funeral expenses incurred, and second, the amount of premiums, dues and assessments paid by the Commission to keep the insurance or benefit in force, and third, the amount of assistance paid to such person, one-half ($\frac{1}{2}$) of which shall accrue to the Old Age Assistance Fund, and one-half ($\frac{1}{2}$) of which shall be paid to the United States Treasury in such manner as the Social Security Act may require. After the above deductions, the balance, if any, shall be paid by the Commission as directed by the insured, either to persons designated or into the Old Age Assistance Fund as may be the wish of the insured at the time of the assignment.

(e) The provisions of this Act providing for Old Age Assistance shall not be construed as a vested right in the recipient of Old Age Assistance.

(f) An Old Age Assistance grant shall be absolutely inalienable by

any assignment, sale, charge or execution or other legal process, and in case of bankruptcy the assistance shall not pass through any trustee or other person acting on behalf of creditors.

(g) The Commission is authorized to accept on behalf of the Old Age Assistance Fund any gifts, deeds or bequests of any money or other property, the proceeds of which shall accrue to the benefit of the Old Age Assistance Fund. In making such gifts or contributions the donor shall attach no conditions whatever. The sole management and disposition of the property so received shall be in the Commission.

Sec. 12. All Old Age Assistance benefits provided for under the terms of this Act shall be paid by vouchers or warrants drawn by the State Comptroller on the Texas Old Age Assistance Fund; for the purpose of permitting the State Comptroller to properly draw and issue such vouchers of warrants, the Texas Old Age Assistance Commission shall furnish the Comptroller with a list or roll of those entitled to assistance from time to time, together with the amount to which each recipient is entitled. When such vouchers or warrants have been drawn by the State Comptroller, the same shall be delivered to the Executive Director of the Texas Old Age Assistance Commission, who in turn shall supervise the delivery of the same to the persons entitled thereto.

Sec. 13. (a) All grants of assistance or aid from the Federal Government and its agencies shall not be considered as a part of the State Assistance herein granted, but shall be regarded as a separate grant of assistance or aid.

(b) Every assistance granted under the provisions of this Act shall be deemed to be granted and shall be held subject to the provisions of any amending or repealing Act that may be hereafter enacted, and no recipient under this Act shall have any claim for compensation or otherwise by reason of his assistance being affected in any way by such amending or repealing Act.

(c) Except as herein otherwise provided assistance benefits shall be and become due and payable to all

persons qualified to receive the same not later than July 1, 1936.

Sec. 14. Whenever in this Act the masculine pronoun is used, it shall be held to include the feminine pronoun also.

Sec. 15. Any person or persons charged with the duty or responsibility or administering, disbursing, ordering or otherwise handling the grants and funds provided for in this Act, and who shall misappropriate any such grants and funds, or who shall by deception or fraud to any other person wrongfully distribute the grants and funds provided for in this Act, shall be deemed guilty of felony and shall, upon conviction, be confined in the State penitentiary for a term of not less than two (2) nor more than twenty (20) years.

Sec. 16. Any person who by means of a wilfully false statement or representation, or other fraudulent device, obtains or attempts to obtain, or aids or abets any other person to obtain:

(a) Old Age Assistance to which he is not justly entitled;

(b) A larger amount of assistance than that to which he is justly entitled;

(c) Or aids or abets in the buying or in any way disposing of the property of an Old Age Assistance recipient for the purpose of defrauding the State of Texas, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for a period not exceeding one (1) year, or by both such fine and imprisonment, and shall be barred for three (3) years from receiving benefits under this Act.

Sec. 17. If any recipient under this Act is convicted of any crime, misdemeanor or felony, or other offense, punishable by imprisonment for a period of six (6) months or longer, such fact shall be reported to the Commission of Old Age Assistance and the said Commission may direct that payments to such recipient be defaulted and withheld for such period.

Sec. 18. It shall be unlawful for any attorney at law or attorney in fact, or any other person, firm or corporation whatsoever, representing any applicant for Old Age Assist-

ance or aid in this State to charge a fee for his services in excess of Ten Dollars (\$10.00) in aiding or representing any such applicant before the Commission of Old Age Assistance or for any other services in aiding such applicant to secure an Old Age Assistance grant. It shall likewise be unlawful for any person, firm or corporation to advertise, hold himself out or solicit the procurement of Old Age Assistance or aid. Any person violating this Section of this Act shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00) or by confinement in the county jail for a period of not to exceed thirty (30) days, or by both such fine and imprisonment. Where any firm, association, or corporation is found to be guilty of a violation of the provisions of this Section, the offending act of such firm, association, or corporation shall be deemed to be the act of the president, general manager, or other managing official of such firm, association, or corporation, and such official shall be subject to the same penalties as herein provided for the other persons.

Sec. 19. All laws and parts of laws in conflict herewith are hereby repealed to the extent of such conflict only.

Sec. 20. If any section, subsection, paragraph, clause or sentence in this Act is declared to be unconstitutional the same shall not affect the remaining portions of this Act.

Sec. 21. The fact that there are now in Texas thousands of citizens who are sixty-five (65) years of age and over, who are in need of aid and assistance due to circumstances over which they have no control creates an emergency and an imperative public necessity requiring the suspension of the Constitutional Rule requiring bills to be read on three (3) several days in each House, and the Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, Nov. 6, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 21

carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, Nov. 5, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 7, A concurrent resolution "Granting A. F. Gaston permission to sue the State."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PACE, Chairman.

Committee Room,
Austin, Texas, Nov. 5, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 8, A concurrent resolution "Granting S. A. Castlebury permission to sue the State."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PACE, Chairman.

Committee Room,
Austin, Texas, Nov. 5, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 93, A bill to be entitled "An Act creating a Special Road Law for Childress County, Texas, providing that said county may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of September 14, 1935, setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; validating all acts and proceedings heretofore had by the commissioners' court of said county and officers thereof, in respect to the funding or refunding of said indebtedness; providing this law shall be cumulative of General Laws on the subject of roads and bridges and General Laws on funding and refunding bonds, not in conflict herewith; enacting provisions incident and relating to the subject and pur-

pose of this Act; repealing all laws in conflict, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PACE, Chairman.

Committee Room,
Austin, Texas, Nov. 5, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 19, A bill to be entitled "An Act ratifying, confirming and validating all acts of county boards of trustees in laying out or attempting to establish, combine, abolish or change any independent or common school district under the provisions of Chapter 339, Acts Regular Session, Forty-fourth Legislature, 1935, or under Chapter 151, Acts Regular Session, Forty-fourth Legislature, 1935, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

COTTEN, Chairman.

Committee Room,
Austin, Texas, Nov. 6, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 72, A bill to be entitled "An Act authorizing the commissioners' courts in certain counties to allow each county commissioner certain expenses for traveling in connection with official business; providing the funds; providing for filing of itemized accounts, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

NEAL, Vice-Chairman.

Committee Room,
Austin, Texas, Nov. 4, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 21, A bill to be entitled "An Act amending Article 2031, Revised Civil Statutes of 1925, and providing means and method of securing service of process on foreign corporations, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

BLACKERT, Vice-Chairman.

Committee Room,
Austin, Texas, Nov. 6, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Mining and Irrigation, to whom was referred H. B. No. 69

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOPKINS, Vice-Chairman.

Committee Room,
Austin, Texas, Nov. 6, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

H. B. No. 98, A bill to be entitled "An Act creating a Special Road Law for Robertson County, Texas, providing that said county may fund or refund the indebtedness outstanding against its road and bridge fund as of August 12, 1935, setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HOPKINS, Chairman.

ELEVENTH DAY.

Senate Chamber,
Austin, Texas,
November 7, 1935.
The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Walter F. Woodul.
The roll call disclosed a quorum,